Informational Meeting and Public Hearing for Duck Creek Annexation
January 9, 2020

Members present: Al Kramer, Greg Nettekoven, Jason Van Eperen, Mike Van Asten, Gerald Vander Heiden

Others present: Nancy Christensen, Administrative Assistant; Greg Baneck, Land Conservation Department; Robert Given, Omni Associates; Bart Chapman, DATCP; Scott Koehnke, WI DNR; 35 residents in attendance (see sign in sheets)

INFORMATIONAL MEETING
The meeting was called to order at 7:00 pm at the Osborn Town Hall by Al Kramer, Jr., President. Drainage Board members, Bart Chapman, DATCP and Bob Givens, Omni Associates (engineering) were introduced.

Kramer informed those present the Board meets every first Tuesday of the month at 8:30 a.m. at the Outagamie County Highway Department, 1313 Holland Road, Appleton. Anyone with concerns may come to this meeting and bring them before the Board or contact any member at any time. Minutes and agendas are posted on the Outagamie County website under the Land Conservation Department.

The Board is appointed by the Circuit Court, each member serving a 5 year term. Advantage to belonging to a drainage district is the costs are shared by the whole district not just the property owner, we work together. As a drainage Board we are not required to do all of the Chapter 30 permitting process. We notify and work with the DNR so they know what we are doing. It is easier to get work done in a legal drain than a private drain.

Bob Givens, Omni Associates, presented a power point presentation. (See Attachment B) Currenting there are 14,550 acres are in the current district which you are contributing to but not paying assessments. The proposed area is north and east of the current district; 4,295 acres to the northeast. Western boundary is Ballard Road/Burma Swamp and east boundary is the Oneida Reservation. There is 65,000 lineal feet of drain being proposed to add to the district. Starts at southwest corner, Ballard Road/culvert.

The past couple of years we have been discussing with the WI DNR and Corps of Engineers what can be done and not done. There has been a lot of work done on the ditches along Ballard Road and west of the district by the weir.

It’s proposed the first 5 years we would establish buffers (20 feet minimum from the top of the bank; expenditures would consist of inspect all ditches annexed, clear major trees, minor blockages and make easy fixes; identify future improvements needed, gather input from residents. Costs for these expenditures are based on approximately 64,900 lineal feet at $2 per foot or $129,800. The rate for the proposed annexed area would be $5 per acre with a $50 minimum per parcel, generating $26,300 per year. Rates are reviewed annually at the annual meeting and are adjusted based on work needed to be done and input from district residents. The current Duck Creek district is assessed at $3.00 per acre, $30 minimum.

Greg Baneck, Outagamie County Land Conservation, reported the Drainage Board contracts with LCD for the annual inspections, looking for drainage blockages, cattails that need spraying, mapping areas that need maintenance, brush the needs removal. We also do the survey design and oversee maintenance dredging as it is done to make sure the spoils are placed and handled properly. There are opportunities in the Upper Duck Creek Watershed with grants. Legal drain requirements are a 20 foot grass, non-row crop buffer. Area can be
harvested for hay, which is a benefit to prevent brush. For another 6 months there are grants that pay for establishing a minimum 35 foot buffer, on both sides, for a minimum 15 years, paying $295 per year, payment is made up-front, $4,375 per acre for lands enrolled establishing the buffers. You can’t put row crops or till it but can take hay off it. This allows some recovery for lost cropping opportunity along the drains which can be too soft for crops. I have information available for those interested. (see Attachment C)

Givens reported all the ditches along Ballard road and ones shown in yellow were surveyed and profiled.

Bart Chapman, State Drainage Engineer - DATCP, assists the Board members with technical and legal assistant in implement drainage law. DATCP has very little statutory authority, meaning we don’t regulate that is the Drainage Board’s responsibilities. We do have authority of review of specifications. The plan put together will be submitted to DATCP to make sure drainage assumptions are correct and review affidavits that the Board has followed all the public hearing rules. The specifications will be filed with the state and becomes record. If you have any questions, please do not hesitate to contact me.

Kramer: are there any questions we will take them now as during the public hearing we will not answer questions. The public hearing will be held open for 30 days for written comments from this date.

Kathy Samson: Is there an email I can forward me questions to? Christensen said to see her after the meeting.

Brad Johnson: I have a couple of questions from attending the meetings during the past 18 months. The Town of Osborn has provided funding for the feasibility study, will they continue to do so for execution of the plan? Kramer: Nothing has been discussed on this. If this moves forward, that is when the property owners will pay, and what work is done would be determined the rate. Once the construction starts it is part of the district.

Johnson: In the Public Hearing will you address the execution of the plan? Will the district be merged within the current Duck Creek Drainage District? Will it continue as a separate district? Kramer: It would be part of the existing Duck Creek District. To get it established we would be looking at assessing east of Ballard Road a different assessment rate. At this point to get this part of the district up to specifications there may be a different rate. If we do the main areas that are plugged and buffers installed we have cleaner water which goes to the Bay.

Question from the floor: Can I tell you when to come through to do work? Kramer: We work with the property owners and crop rotations. It makes it challenging but it will get maintained. Before any tree work is done property owners are given a 6 month notice that work is going to happen. They can notify the Board if the wish to remove the trees themselves and/or want the wood.

Bart Chapman stated that if property owners wanted to add any private drains to the legal drains, now is the time to submit it with the plans.

The informational meeting ended at 7:25 p.m.
PUBLIC HEARING MINUTES
The Public Hearing was called to order at 7:36 p.m. by President Kramer. The Notice of Public Hearing was read. The notice was published December 19, 26, 2019 and January 2, 2020 in the Appleton Post Crescent.

Kramer asked if anyone had any comments.

Brad Johnson: In your execution plan I encourage apolitical to do it according to an engineering approach and not by ownership or Board members, do it by what makes sense to the plan.

Kirk Prosser, W3234 Mielke Road, Seymour: Would like to add 1 or 2 private drains to the legal drainage ditch.

Jason Rohm, W3188 Kortney Lane: How are benefited lands determined? I’m on the edge of the zone and not all my land is included.

Duane Gorges, N7066 French Road: Is the ditch included on my land, adjacent to Bartley land, comes in from Miller land can this be added to legal drain?

Greg Schutlz, W3220 Kropp Rd, Seymour: How is the assessment billed? What legal paperwork shows annexed? What happens if this annexation goes through and property owners that don’t pay their assessment?

Warren Bartley, N6912 French Road: I just want to make sure the private ditch on my property, along with Gorges’ is included. There is a section that goes along the line fence also.

Allyn Staley, N6053 French Road: I would like to thank Town of Osborn for funds for the feasibility study.

Harland Volkman, N5171 County Road EE, Seymour: The reason that was done it was the only way to raise funds for the feasibility study and the Town Board decided to use monies from the ATC Transmission lines which can be used for projects benefiting the town. And if the town didn’t provide funding if this project didn’t fly, the people would have had to pay for it and have nothing to show for it. I’ve been on the town board over 23 years and the cross culverts on the roads and the ditches have deteriorated greatly due to lack of maintenance and are half filled with sediment and water. Anyone driving on Ballard can see how cleaning the ditches have helped the roads.

Scott Schaumberg, W2489 Ranch Road, Seymour: It’s hard to see legal drains on the map, could you revised the map showing the legal drains better? Kramer: Yes and we’ll post on the website.

Kirk Prosser, W3234 Mielke Rd, Seymour: What happens, what is the process? How is this decided?

Bart Chapman: The Board will make the official order to approve or deny the annexation. Any land owner can file an appeal with circuit court. The court does a judicial review to determine if the Board was in their legal authority and followed the rule.

Prosser: Does just the property owner with a legal ditch pay? Or does everyone in the town pay? Kramer: Everyone within the red border would pay.
Dennis VandeWalle: W2981 Blohm Road: On Highway C/Culbertson Road who is going to clean out that highway ditch? The county? Part of Highway C is included but then it jumps into the field. You have nothing going to the north.

Bart Chapman: Reviewing the plans takes a couple of months depending on any legal or appeal challenges. Once it’s approved and adopted, assessments can be put out.

Al Timm, N6989 Ranch Road: I would like to add private drain to legal drain for gentleman that isn’t here but was in favor of it years ago.

Jeff Seidl, W3625 Mielke Road: Is there specs and detailed plan on the outlet end of this to improve it? Is this going to work elevation wise? Kramer: we will cover this after the public hearing.

Brad Johnson: Part of this effort started with development of the feasibility study. I encourage the Board to complete that feasibility study and actually issue a complete feasibility report showing the impacts of the ditches, rates to be charge and projected time frame to become part of the overall district.

Kirk Prosser: How do we keep up-to-date on this and what is happening?

Bill Steidl, 422 S Main Street, Seymour: Confused about the surcharge,$5 or $50, is it everything within the red circle or just in the yellow?

Pete Mullen, W3668 Mullen Road: What about the ditch at the end of the road, I have a tile in there. South of there is a little hill. The town did a good job down there but it can’t go anywhere and I have a swamp.

Ken Tlmm, W3016 Blohm Road: In case I do have a private ditch ,I would like my private ditch included. The culvert by me is plugged, water goes over the ditch. I measured today, 16-17” is open, it would help to have this cleaned out.

Kramer asked 3 times if anyone else wanted to speak. No other comments were made.

Public hearing was closed at 8:00 p.m.

**Comments and discussion after the Public Hearing**
Kramer stated where the information could be found on Outagamie County’s website under the Land Conservation Department. Our policies, minutes, agendas are posted on the website. The regular meetings are held the first Tuesday of each month at 8:30 a.m. at the Outagamie County Highway Department, 1313 Holland Road. Everyone is welcome to attend.

Special Assessments: Assessments are placed on the annual property tax invoice. If an owner does not pay the special assessment, the whole tax bill is delinquent and interest would be charged. This is State law under the jurisdiction of the Treasurer’s office.

The assessment is an annual charge. The annual meetings are held to determine the work and rate for the next year.
Givens: The red boundary was stopped on the west side by the existing drainage district. We used topographic and GIS maps to establish the boundaries. One of our engineers and Harland Volkman went out and verified the drainage boundaries where it was questionable. Property owners were also contacted. The assessment would be for everything inside the red basin boundaries as everyone contributes water to it ending up in the yellow streams.

Brad Johnson: Is it fair to say that if there is land outside of the red boundary the water drains some place else?

Givens: Yes, such is my belief.

Bart Chapman: For those of you have questions, review this on your parcel. It is up to you to make sure this makes sense.

Question from floor: On the list if only 40% of my parcel is included I would only be assessed for the portion? Kramer: Yes that is correct.

Kramer thanked everyone for attending.
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<thead>
<tr>
<th>NAME</th>
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<tbody>
<tr>
<td>Barton T. Chapman</td>
<td>DATCP</td>
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<tr>
<td>Ryan Kraft</td>
<td>700 Woodside Dr. Seymour</td>
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<td>Al Timm</td>
<td>N 6989 Ranch Rd. Seymour</td>
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<td>Harlan Volkman</td>
<td>N5171 CTY Rd. FE Seymour</td>
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<td>Pete Blahnik</td>
<td>636 S. Schaefer St. Appleton</td>
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<td>William S. Jr.</td>
<td>4325 Main St. Seymour</td>
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<td>Mike Van Asten</td>
<td>N5485 Center Valley Rd. Black Creek</td>
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<td>Rya Kran</td>
<td>N3169 Knopp Rd. Seymour</td>
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<td>Scott Agerst</td>
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<td>Alex Everest</td>
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<td>Allida L. Faber</td>
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<td>Jim Schaumock</td>
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<td>W3220 Knopp Rd. Seymour</td>
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<td>Robi Kubeck</td>
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<td>Kurt Vanek</td>
<td>W3064 Kortney Ln. Seymour</td>
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<td>Peter Miller</td>
<td>W 3605 Muller Pk. Seymour</td>
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<td>Ken Timm</td>
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<td>Mark T</td>
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<td>Kathy Samson</td>
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<td>Dan Hulke</td>
<td>W6214 Wick Rd. Pk. Seymour</td>
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<td>Nathan Richl</td>
<td>W6351 Ballard Rd. Seymour</td>
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<td>Scott Schooley</td>
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<td>Larry Barclay</td>
<td>W3031 Culberton Rd</td>
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<td>Jim Johnson</td>
<td>W2521 Hwy 5-4</td>
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<td>Warren Barclay</td>
<td>N6912 French Rd Seymour W1</td>
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<td>Lyn Buchmann</td>
<td>N6754 French Rd</td>
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<td>Louis Barbourts</td>
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Attachment "B"

Duck Creek Annexation

LAND CONSERVATION DEPARTMENT
3365 WEST BREWSTER STREET
APPLETON, WI 54914

Al Kramer - President Intro

- What is the Outagamie County Drainage Board?
- What is the history of the board?
- What does the board do?
- How does the board work?
- Drainage board meetings?
- What does it mean to be in a drainage district?
Duck Creek Current Boundary

14,550 Acres
Duck Creek Annexation Boundary

- 4295 Acres
Duck Creek Annexation Proposed Stream to be Regulated

64,900 Lineal Feet
What's Been Happening

- Maintenance on Ditch east of Ballard Road
- Ballard Road
- Army Corps of Engineers
- Wisconsin Department of Natural Resources

Weir

West

East
Rates & Plan 1st 5-Years

- Establish Buffers (20 FT Min from Top of Bank)
- Expenditures
  - Inspect all ditches annexed
  - Clear major trees, minor blockages and make easy fixes
  - Identify future improvements needed
  - Gather input from residents
  - 64,900 LF x $2/FT = $129,800
- Rate for Annexed Area
  - $5/Acre with a $50 minimum per parcel
  - Generates $26,300/Year
Potential Future Costs

- $5-10/LF to Clean and Dredge Ditches
  - $5/LF for minor issues and no trees
  - $10/LF for dredging through treed area.
Rates & Plan After 1st 5-Years

- Evaluate Needs Moving Forward
- Prioritize Future Needs
- Bring The Ditches Into Compliance With The Specifications
- Clean Ditches As Needed
- Adjust Rates At Annual Meetings
Outagamie County Land Conservation Department

- County’s Role
- Inspections
- Money Available
- Observations In Other Districts
Questions
Upper Duck Creek Sub-Watershed Riparian Buffer Project
*Project Funded by the EPA Great Lakes Restoration Initiative

Description: The project will install vegetated filter strips in priority locations along perennial and intermittent streams, legal drains, and connected drainage ways in the Upper Duck Creek subwatershed that have been identified in the Upper Duck Creek Nonpoint Source Watershed Implementation Plan (May 2016). Monetary incentives will be offered to agricultural landowners to create vegetated filter strips that will improve water quality while decreasing nutrient and sediment loading to the Bay of Green Bay and ultimately Lake Michigan. Landowners can enroll in a perpetual or 15 year buffer program. The program is voluntary.

- A riparian buffer is defined as a strip of perennial grass and legume vegetation that acts as a filter to catch runoff from agricultural land, which eliminates or decreases the amount of sediment and nutrients that get into adjacent waterways. The buffer also helps stabilize areas adjacent to streams so that high flow doesn’t erode tilled soil.
Installation and Maintenance Incentive (entire sum paid up front after installation)

15 Year Buffer (must be maintained for 15 years)

- Incentive is $4,375/acre (equates to $293/acre/year for 15 years)

Perpetual "Permanent" Buffer (must be maintained permanently)

- Incentive is $6,600/acre (equates to $440/acre/year for 15 years or $293/acre/year for 22.6 years)

*Areas where concentrated flows intersect the buffer are eligible for cost-share if filter strips are established. These areas are incentivized at a lesser rate of $750/acre for 15 year contracts and $1,000/acre for permanent contracts.

- Width minimum is 35’. Can go up to 70’ if recommended by NRCS Filter Strip Practice Standard 393. Width can be customized to make it easier to turn around equipment. In some cases depending on layout of the field and/or stream, part(s) of a field can be taken completely out of production if what’s left is too small to crop/access with equipment.

- Buffer is harvestable as a forage (hay, haylage, balage, etc.). First cutting shall not occur before May 15th and last cutting shall not occur after September 15th. Clipping at least once per year is recommended to control invasive and woody species.

- Buffer is subject to an operation & maintenance plan and will be checked every few years. If buffer is accidentally sprayed off or damaged by tillage, it would need to be re-planted at landowners expense.

- If field conditions permit, buffers can be used as secondary “headlands” to mitigate traffic/compaction on the cropped areas of the field along with reducing number of headland rows.

- The areas of the field adjacent to perennial and intermittent streams are often low, unproductive, and draw down a field’s average yield.

- Project end date is June 30, 2020. It may be earlier if funding runs out. The goal of the project is to install 84 acres of riparian buffers.

*Please contact Alex Krepline (920-570-1462), Agronomist with the Outagamie County Land Conservation Dept. for more details or immediate interest in enrolling in this buffer program.